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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of BAVARI et al.

Serial No.: 09/465,276

Filed: December 16, 1999

For: Antibodies Against Type A Botulinum Neurotoxin



Examiner: Robert A. Zeman

Attny Docket: 003/175/SAP

12 December 2002

DECLARATION

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

We, Sina Bavari, Edna R. Torres Melendez, and Frank J. Lebeda hereby declare
and say that:

1. We have read and understood Application Serial No. 09/465,276, including the claims;
2. We are the joint inventors of the subject matter claimed in Application Serial no. 09/465,276;
3. We, Sina Bavari, Edna R. Torres Melendez, and Frank J. Lebeda, along with Dorothy D. Pless and Mark A. Olson, coauthored the article titled: Identifying the principle protective antigenic determinants of type A botulinum neurotoxin, published in Vaccine 1998, Volume 16, page 1850;
4. While the contribution of Dorothy D. Pless and Mark A. Olson to the subject matter of the article was such that authorship was warranted, they did not make an inventive contribution to the subject matter claimed in Application Serial No. 09/465,276.

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The non-inventor coauthors contributed to the subject matter of the article by carrying out experiments outlined by the inventors;

5. We further declare and say that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent specification or any patent issuing thereon.

Sina Bava

Date: 13 Dec , 02

Edna R. Torres Melendez

Date: 13 Dec 02

Frank J. Lebeda

Date: 13 DEC 2002